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REMARKS

Applicants appreciate the continued thorough examination of the present application that is reflected in the final Official Action of September 19, 2005. Applicants also appreciate the Examiner's indication that the earlier rejection under 35 USC §101 has been withdrawn, and that all of the earlier rejections based on Terreta et al. have been withdrawn.

In response to the new rejection based on U.S. Patent Application Publication US 2002/0007417 to Taylor et al., the recitations of Claims 16 and 18 have been incorporated into independent Claims 1, 32 and 34. No new matter is presented by these amendments, because they merely incorporate recitations from dependent claims into an independent claim. Moreover, in order to advance the application to allowance, many of the other dependent claims have been canceled. Applicants respectfully submit that independent Claims 1, 32 and 34 are patentable over Taylor et al. for the reasons that now will be described.

In particular, original Claim 18, the recitations of which have now been incorporated into the independent claims, was rejected under 35 USC §103 based on Taylor et al. The final Official Action states at Paragraph 34:

As per claim 18, Taylor teach the method according to claim 16, wherein the expected popularity values are predicted by a content management system ([0026]).

However, Paragraph [0026] of Taylor et al. states that:

The Data Initialization Protocol determines which data items are retrieved from the secondary storage 130 and stored on the disk drives 250, and at which the module(s) 220 data are stored. The basic strategy of the Data Initialization Protocol is to repeatedly retrieve the most popular data items from the secondary storage 130 and store them on the disk drives 250, until there is insufficient disk space available to hold any additional data items. At each iteration of the Data Initialization Protocol, the candidate modules 220 that have sufficient disk space to hold the data are identified, and the data is stored at the candidate module with the lowest load, where "load" refers to the total bandwidth requirement for the requests waiting in the module's queue 260. Since at initialization, no user requests have yet been submitted, each data item is assigned an initial popularity value, and the load is estimated as the sum of the popularity values of the data items already stored on the module disk drive cluster 250. By selecting the module 220 with the lowest load, the Data Initialization

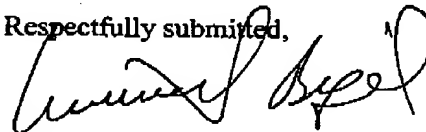
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Protocol provides a significant load-balancing effect that keeps the popular data items evenly distributed over all the modules 220, thus enhancing the performance of the server 110. (Emphasis added.)

With all due respect, this passage of Taylor et al. does not describe or suggest that "the usage metrics are expected popularity values that are predicted by a content management system," as now recited in all of the independent claims. For at least these reasons, the independent claims are patentable over Taylor et al.

In conclusion, Applicants appreciate the continued thorough examination and the citation of Taylor et al. However, in view of the above analysis, Applicants respectfully request entry of the present Amendment and allowance of the present application.

Respectfully submitted,



Mitchell S. Bigel
Registration No. 29,614

USPTO Customer No. 46589
Myers Bigel Sibley & Sajovec, P.A.
P.O. Box 37428
Raleigh, NC 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401